

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

## BUFFALO AIRWAYS LTD. ,

CASE NO. 2:23-cv-01589

Plaintiff,

ORDER GRANTING STIPULATED  
MOTION TO WITHDRAW AS  
COUNSEL OF RECORD

AIRSTRIKE FIREFIGHTERS LLC ET AL,

## Defendants.

This matter comes before the Court on the parties' stipulation to the withdrawal of Lasher Holzapfel Sperry & Eberson, PLLC ("LHSE") as counsel of record for Defendants Airstrike Firefighters, LLC ("Airstrike") and Scott Schorzman ("Schorzman"). Dkt. No. 25. For the reasons explained below, the Court GRANTS the stipulated motion.

District courts have discretion to approve or deny a motion to withdraw as counsel. *See McNall v. Pac. Ret. Servs., Inc.*, 859 F. App'x 48, 49 (9th Cir. 2021). “In deciding whether to grant a request to withdraw, the Court must consider: (1) the reasons why withdrawal is sought; (2) the prejudice withdrawal may cause to other litigants; (3) the harm withdrawal might cause to the administration of justice; and

1 (4) the degree to which withdrawal will delay the resolution of the case.” *United*  
2 *States v. Centene Corp.*, No. 2:21-CV-01542, 2022 WL 17403447, at \*1 (W.D. Wash.  
3 Dec. 2, 2022).

4 Here, the Court finds that withdrawal of counsel will not unduly prejudice  
5 the litigants, harm the administration of justice, or delay resolution of this case.  
6 Defendant William Douglass, who will not be unrepresented, states an intention to  
7 file a Chapter 7 bankruptcy proceeding. *Id.* at 2. Defendant Schorzman, who will be  
8 unrepresented, affirmatively requests LHSE to withdraw so he may communicate  
9 directly with Plaintiff’s counsel without incurring legal expenses. *Id.* Defendant  
10 Airstrike, who will be unrepresented, has entered state receivership proceedings;  
11 therefore, this action is stayed as to Airstrike. Dkt. No. 24; RCW 7.60.110. All  
12 parties have stipulated to withdrawal of counsel. *See* Dkt. No. 25. As such, the  
13 factors weigh in favor of approving withdrawal.

14 The Court also finds that the parties have complied with the rules governing  
15 withdrawal. “A stipulation and proposed order for withdrawal must (1) be signed by  
16 all opposing counsel or pro se parties, and (2) be signed by the party’s new counsel,  
17 if appropriate, or by the party. If a withdrawal will leave a party unrepresented, the  
18 motion to withdraw must include the party’s address and telephone number.” LCR  
19 83.2(b)(1). The parties have satisfied these requirements. *See* Dkt. No. 25.

20 Additionally, the parties have complied with the requirements governing  
21 unrepresented business entities. Generally, “[a] business entity... must be  
22 represented by counsel.” LCR 83.2(b)(4); *see Rowland v. California Men’s Colony,*  
23 *Unit II Men’s Advisory Council*, 506 U.S. 194, 201-2 (1993). Therefore, “[i]f the

1 attorney for a business entity... is seeking to withdraw, the attorney shall certify to  
2 the court that [they have] advised the business entity that it is required by law to be  
3 represented by an attorney admitted to practice before this court and that failure to be  
4 obtained a replacement attorney by the date the withdrawal is effective may result  
5 in... entry of default against the business entity as to any claims of other parties.”  
6 LCR 83.2(b)(4). Here, Airstrike will be unrepresented. However, the parties  
7 anticipate that “remaining issues Plaintiff has pertaining to Airstrike are to be  
8 adjudicated as a claim in [Airstrike’s] receivership.” Dkt. No. 25 at 3. And LHSE  
9 certifies—and Airstrike’s receiver stipulates—that LHSE has advised the receiver  
10 that “in the unlikely event the stay is lifted as to Airstrike as to this case, failure to  
11 obtain replacement counsel for Airstrike may result in default.” *Id.* This  
12 certification is sufficient. Defendant Airstrike, through its receiver, has fair notice  
13 that it must be represented by counsel if its receivership ends and proceedings  
14 against it resume in this Court.

15 In sum, the Court GRANTS the motion for withdrawal of counsel and deems  
16 Airstrike and Schorzman to be presently unrepresented. Additionally, the Court  
17 ORDERS the parties to notify the Court as to when Airstrike’s receivership has  
18 ended and the stay is lifted. Such notice shall be filed within FOURTEEN (14) days  
19 of the termination of receivership proceedings.

20 Dated this 20th day of November, 2024.

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Jamal N. Whitehead  
United States District Judge